

# EXHIBIT B



1 put in a lot of evidence about other parents, ostensibly  
2 because the nature, scope, and operation of conspiracy, but a  
3 central issue in this case is the intent of this defendant,  
4 Mr. Abdelaziz. And the jury -- we respectfully request that  
5 the jury be told now while it's all piling in, all these other  
6 parents' activities, that such evidence is not evidence of the  
7 defendant's intent, and proof that the defendant joined a  
8 conspiracy must be based upon evidence of his words and  
9 actions, not these other parents.

03:28 10 It's coming flying into the record. Again,  
11 ostensibly, for the nature, scope and operation of the  
12 conspiracy, but as it's coming in now, it's unduly prejudicial  
13 and forgery and we believe and we request that they should be  
14 warned that this other parent evidence is for the nature and  
15 scope of the conspiracy, not the intent of him.

16 THE COURT: Mr. Frank?

17 MR. FRANK: We briefed this issue, your Honor. The  
18 First Circuit law is clear that there's no limiting instruction  
19 required in this situation. I'd direct the Court to *US v.*  
03:28 20 *Campbell* 268 F 3rd 1, a 2001 First Circuit case. We are  
21 proving the existence and the nature of the conspiracy. We are  
22 doing that in a limited way by putting in evidence about who  
23 Rick Singer's other clients were that were engaged in the side  
24 door scheme and what happened with their subcommittee  
25 applications at or around the exact same time as these

1 individuals. It's in limited evidence, but it is directly  
2 relevant to our burden.

3 The First Circuit said there's no instruction required  
4 in those circumstances, certainly not the kind of instruction  
5 that the defense has requested, which brings up this issue of  
6 intent. We've not suggested anything -- that this evidence  
7 suggests anything about intent.

8 If the Court were to give a mid trial instruction,  
9 which we submit would be highly unusual in these circumstances,  
03:29 10 we submit it should be a complete instruction on conspiracy,  
11 such as the one that the Court will likely give at the end of  
12 the case. We think the kind of sort of excerpted instruction  
13 with a couple of add-ons about intent that the defense has  
14 requested would not be appropriate.

15 MR. KELLY: I did not suggest it was required. We're  
16 requesting it out of fairness to the defendants because they  
17 are shoveling in all this other evidence that has nothing to do  
18 with his intent, so the jury, as they hear it, should have the  
19 proper context, and it's not reflective of the defendants'  
03:30 20 intent. The reason it's a discrete instruction is because I'm  
21 not asking for a long conspiracy instruction in the middle of  
22 trial. It's discrete, and that's an important issue in the  
23 case.

24 THE COURT: I will take the matter under advisement.  
25 In fact, it's been under advisement for a couple of days now.

1 C E R T I F I C A T E  
2  
34 UNITED STATES DISTRICT COURT )  
5 DISTRICT OF MASSACHUSETTS )  
6  
78 We, Kristin M. Kelley and Debra Joyce, certify that  
9 the foregoing is a correct transcript from the record of  
10 proceedings taken September 15, 2021 in the above-entitled  
11 matter to the best of our skill and ability.  
12  
1314 /s/ Kristin M. KelleySeptember 20, 202115 /s/ Debra JoyceSeptember 20, 202116 Kristin M. Kelley, RPR, CRR  
17 Debra Joyce, RMR, CRR  
18 Official Court Reporter  
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Date